

## **Council Minutes –June 8, 2010**

COUNCIL CHAMBER, Topeka, Kansas, Tuesday, June 8, 2010. The Councilmembers of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Councilmembers Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9. Mayor Bunten presided -1.

AFTER THE MEETING was called to order, Pastor Trudy Ctretsinger, Evangelical Lutheran Church gave the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

A PRESENTATION on the Amtrak Feasibility Study on expanded passenger rail service in Kansas was given by Dennis Simmer, Kansas Department of Transportation.

Councilmember Archer moved to suspend the Council Rules to add a resolution setting a public hearing date to consider a proposed assessment of the cost of Sewer Improvement Project No. 40951-00. The motion seconded by Councilmember Wolgast carried. Councilmember Alcalá voted “no.” (8-1-0)

Mayor Bunten announced that the resolution would be added to the Council agenda under New Business as item 6D.

Councilmember Alcalá requested to remove item 4D, License Applications from the consent agenda for further discussion.

Upon hearing no objections, Mayor Bunten announced that the License Applications would be removed from the consent agenda for separate discussion.

THE CONSENT AGENDA was presented as follows:

BOARD APPOINTMENT recommending the appointment of Charles Tyron to the Downtown Business Improvement District Advisory Board for a term ending June 30, 2012 was presented.

BOARD APPOINTMENT recommending the appointment of H.R. Cook to the Downtown Business Improvement District Advisory Board for a term ending June 30, 2012 was presented.

MINUTES of the regular meeting of May 25, 2010 were presented.

Councilmember Preisner moved to approve the remainder of the consent agenda. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

Open After Midnight License applications were presented for the following:

<u>BUSINESS</u>	<u>ADDRESS</u>
Boobie Trap Bar	1417 SW 6 <sup>th</sup> Street
CG's Lounge	501 NW Lounge
Ramada Hotel (Uncle Bo's)	420 SE 6 <sup>th</sup> Street

A Dance Hall License application for Rumba Club located at 816 N Kansas Avenue was presented.

Councilmember Alcalá questioned the inspection process of a Dance Hall License. He expressed concern with the safety of the occupants.

Councilmember Alcalá moved to defer the Dance Hall License application for the Rumba Club for one week to clarify the process. The motion seconded by Councilmember Hiller carried. Councilmember Woelfel voted “no.” (8-1-0)

Councilmember Preisner moved to approve the remainder of the License applications. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

A RESOLUTION introduced by City Manager, Norton N. Bonaparte, Jr., amending Article 8, Section 2 of Resolution No. 7758, City of Topeka Personnel Code, relating to

severance benefits and specifically rescinding said original section placed on first reading April 6, 2010 was again presented.

Councilmember Wolgast moved to refer the resolution to the Policy and Finance Committee. The motion seconded by Councilmember Ortiz carried unanimously. (9-0-0)

APPROVAL of Retail Cereal Malt Beverage License Applications was presented.

Norton N. Bonaparte, Jr., City Manager gave the staff report and stated that the Cereal Malt Beverage License applications must be approved by the governing body.

Councilmember Preisner moved to approve the Cereal Malt Beverage License applications as presented. The motion seconded by Councilmember Ortiz carried unanimously. Mayor Buntten voted “yes.” (10-0-0)

ORDINANCE NO. 19426 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 10, 2010 through May 16, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Joseph Ledbetter commended the City Manager for accepting cost saving ideas from the public. He questioned the \$1.4 million in checks and electronic transfers outlined in the weekly expenditures and requested that a financial breakdown of the electronic transfers be listed. He questioned the following expenditures:

- Page 6, Consolidated Rural Water District
- Page 8, Graybel Construction
- Page 8, Herrmann Excavation
- Page 10, car rental and flight reimbursement
- Page 15, Timberline Steakhouse

Jim Langford, Budget and Finance Director reported that the payment to the Consolidated Rural Water District was paid from the Water Pollution Control fund and he is not

familiar with the details of the payment; Graybel Construction and Herrmann Excavation were hired to complete Capital Improvement Plan projects which could have included street repair projects; and the payment for car rental and flight reimbursement was provided to Topeka Zoo employees by the City which was reimbursed by Friends of the Topeka Zoo. He stated that he would have to research the Timberline Steakhouse expenditure and report back to Mr. Ledbetter.

Councilmember Wolgast moved to adopt the ordinance. The motion seconded by Councilmember Archer carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

ORDINANCE NO. 19427 introduced by City Manager Norton N. Bonaparte, Jr., allowing and approving City expenditures for the period of May 17, 2010 through May 23, 2010, and enumerating said expenditures therein was presented for first and final reading.

Norton N. Bonaparte, Jr., City Manager gave the staff report.

Joseph Ledbetter questioned the following expenditures:

- Page 2, CBS Manhattan
- Page 3, Cook, Flatt & Strobel Engineering
- Page 4, Dell Government Leasing and Financing

Jim Langford, Budget and Finance Director reported that the payment to CBS Manhattan was paid from the Information Technology fund for computer supplies; he would have to research the Cook, Flatt & Strobel Engineering expenditure and report back to Mr. Ledbetter; and the Dell Government Leasing and Financing expenditure was a lease purchase payment for City desktop and laptop computers.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Alcalá carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner and Harmon -9.

RESOLUTION NO. 8259 introduced by City Manager Norton N. Bonaparte, Jr., setting the public hearing to consider proposed assessment of the cost of Sewer Improvement Project No. 40951-00 to the property owners in the improvement district was presented.

Councilmember Archer gave the staff report.

Councilmember Archer moved to approve the resolution. The motion seconded by Councilmember Preisner carried unanimously. (9-0-0)

ORDINANCE NO. 19428 introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 5999 SW 22<sup>nd</sup> Park from “O&I-2” Office and Institutional District TO “PUD” Planned Unit Development District (“O&I-3” Office and Institutional District use group with retail sales associated with the “O&I-3” use group only and a restaurant) placed on first reading May 25, 2010 was again presented. (*PUD10/4*)

Norton N. Bonaparte, Jr., City Manager gave the staff report.

The City Clerk asked if there were any ex parte communications. There were none declared.

Councilmember Preisner moved to adopt the ordinance. The motion seconded by Councilmember Woelfel carried unanimously. Mayor Bunten voted “yes.” (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Alcalá, Ortiz, Woelfel, Wolgast, Swank, Archer, Preisner, Harmon and Mayor Bunten -10.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Code of the City of Topeka, by providing for certain changes in zoning on property located at 5100 SW 29<sup>th</sup> Street from “C-4” Commercial District to “PUD” Planned Unit Development was presented for first reading. (*PUD10/8*)

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., creating City of Topeka Code Section 9.40.005 concerning the unlawful carrying of a firearm was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana Parade and Street Party at specified locations and times was presented for first reading.

AN ORDINANCE introduced by Councilmember John Alcala authorizing the sale, consumption and possession of alcoholic liquor as part of the Fiesta Mexicana at specified locations and times was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending Topeka Municipal Code Sections 2.135.010., 2.135.130, 2.55.010, 2.55.040 and 9.20.020, concerning the elimination of the Topeka Human Relations Department and specifically repealing said original sections as well as eliminating in their entirety Sections 2.55.020, 9.20.010, 9.20.030, 9.20.050 through 9.20.150 and 9.25.040 through 9.25.240 was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., amending the scope of this project as approved by Ordinance No. 19170 and repealing said Ordinance and authorizing as amended Improvement Project No. T-281000.03 (HTE 286383) for rehabilitation

of the Water Treatment Plant approving cost estimates of the proposed improvements, and doing all other things necessary and incidental thereto, and authorizing the publication of the Notice of Intention of the governing body of the City of Topeka, Kansas, to issue and sell revenue bonds of said City to make such improvements which constitute improvements to the municipally owned water, water pollution control, and stormwater utility system of the City of Topeka, Shawnee County, Kansas, pursuant to K.S.A. 10-101 and 10-1201, et seq., and all amendments thereto, authorizing issuance of general obligation bonds to pay the costs of the project which further constitutes a general improvement to the City's waterworks system pursuant to City of Topeka Code Section A12-1, and authorizing the borrowing of funds from the State of Kansas Loan Funds to pay the cost thereof was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing Improvement Project No. T-601018.00 (HTE 606570), which provides for neighborhood infrastructure improvements in Chesney Park and Ward Meade, as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka was presented for first reading.

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., concerning stream buffers amending Topeka Municipal Code Sections 17.10.020, 17.10.060, 18.35.150 and 18.35.200 and specifically repealing said original sections and creating new Section 18.40.150 was presented for first reading.

**PRESENTATIONS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;**

Norton N. Bonaparte, Jr., City Manager announced that City4 is broadcasting a new "City of Topeka Presents" program highlighting Council District No. 5. He provided a status

report on street improvement projects funded with ½ cent sales tax revenue funds, including three new projects and those still underway. He encouraged citizens to participate in the Topeka 101: Citizens Academy and the Topeka Police Department GREAT Program for students in the 7<sup>th</sup> through 9<sup>th</sup> grades. He announced upcoming Meet the Manager sessions on June 16, 2010 at the Garfield Community Center located at 1600 N. Quincy from 5:30 p.m. to 6:30 p.m.; June 17<sup>th</sup> at the Hillcrest Community Center located at 1800 SE 21<sup>st</sup> Street from 8:00 a.m. to 9:00 a.m.; June 23<sup>rd</sup> at the Crestview Community Center located at 4801 Shunga Drive from 5:30 p.m. to 6:30 p.m.; and June 24<sup>th</sup> at the Topeka-Shawnee County Library located at 1515 SW 10<sup>th</sup> Street from 8:00 a.m. to 9:30 a.m.

Councilmember Hiller thanked the citizens who attended the International Economic Development training in Oklahoma City, Oklahoma relating to downtown redevelopment. She stated that she would submit a brief report to the Council on the topics discussed at the training. She commended all City employees who are retiring for their years of service and making a difference in the city. She also thanked current City employees for absorbing extra duties during the retirement transition.

Councilmember Alcalá expressed concern with the pothole situation on SE 29<sup>th</sup> Street and Croco Road and SW 21<sup>st</sup> Street. He asked how the City is tracking the potholes that are repaired and requested a breakdown of the work pace. He expressed concern with the recent shootings in the community and requested that Police Chief Ron Miller update the Council and community on the steps the Police Department is taking to be proactive and ensure public safety in neighborhoods.

Councilmember Ortiz expressed concern with the closing of community centers and the effect it would have on elderly citizens using the centers for shelter during hot weather and tornado warnings.

Councilmember Wolgast announced that the City of Topeka is one of four cities in the nation to receive a friendship sculpture from China. He invited the community to attend a dedication ceremony for the sculpture on June 15, 2010 at the Washburn University Campus at 11:00 a.m.

Councilmember Archer asked for an update on how the City plans to move forward with the downtown redevelopment project in regards to the use of Metropolitan Planning Organization funding.

Councilmember Preisner stated that he concurs with Councilmember Alcala and believes it is a good idea to have Police Chief Miller report on the recent violent crimes and reassure citizens that the community is safe.

Norton N. Bonaparte, Jr., stated that the City hired Bettis Construction to help with the repair of potholes. He reported that he would provide the Council with a report on how many street crewmembers work on repairing potholes, and how many potholes are being repaired. He stated that he would ask Police Chief Miller to provide a presentation to the Council and citizens on recent crimes at next week's Council meeting. He also stated that he would report back to the Council on the community center issues, as well as, where citizens should go if there is a tornado. He reported that staff has decided to delay the downtown redevelopment project until the Metropolitan Planning Organization process is complete and anticipates the project will be presented to the Council within the next month.

Joseph Ledbetter, Nancy Johnson, Stephanie Mott, Andrew Gray and Earl McIntosh appeared to speak under public comment.

Councilmember Preisner moved to adjourn the City Council meeting. The motion seconded by Councilmember Alcala carried unanimously. (9-0-0)

NO FURTHER BUSINESS appearing the meeting was adjourned at 7:24 p.m.

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Brenda Younger  
City Clerk